

## CONGRESSIONAL RECORD SUMMARY

Tuesday, July 23, 2002, Part I

### SENATE

#### Measure Introduced:

\_\_\_\_\_ **S. 2774.** A bill *to transfer to the Secretary of Homeland Security the functions of the Secretary of Agriculture relative to agricultural import and entry inspection activities*; to the Committee on Agriculture, Nutrition, and Forestry.  
Roberts *Page S 7226*

#### Measure Reported:

**Special Report** entitled "*Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002.*" (S. Rept. No. 107-217).  
*Pages S 7226, D 803*

#### S. 812 - Greater Access to Affordable Pharmaceuticals Act:

*Senate continued consideration of S. 812*, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, taking action on the following amendments proposed thereto:  
*Pages S 7194-S 7218, D 803*

##### **Pending:**

**Reid (for Dorgan) Amendment No. 4299**, to permit commercial importation of prescription drugs from Canada.

*Pages S 7194, D 803*

**A unanimous-consent agreement** was reached providing for further consideration of the bill at 11:00 a.m., on Wednesday, July 24, 2002.

*Pages S 7242, D 804*

#### H.R. 4775 - Supplemental Appropriations Conference Report--Agreement:

*A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 4775, Supplemental Appropriations, at 1 p.m., on Wednesday, July 23, 2002, with a vote on adoption of the conference report to occur at 1:30 p.m.*  
*Pages S 7222, D 804*

#### Committee Meetings:

**Committee on Appropriations:** Subcommittee on District of Columbia approved for full committee consideration an original bill *making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2003.*

*Page D 804*

**Committee on Governmental Affairs:** Permanent Subcommittee on Investigations resumed hearings to examine the role of financial institutions in the collapse of Enron Corporation, focusing on their contribution to Enron's use of complex transactions and questionable accounting practices in order to inaccurately improve the appearance of the company's financial status. Hearings will resume on Tuesday, July 30.

*Page D 805*

**Committee Meetings (Cont.):**

**Committee on the Judiciary:** *Committee concluded hearings on the nominations of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, Timothy J. Corrigan, to be United States District Judge for the Middle District of Florida, and Jose E. Martinez, to be United States District Judge for the Southern District of Florida, after the nominees testified and answered questions in their own behalf. Ms. Owen was introduced by Senators Gramm and Hutchinson, and Representative Granger, and Mr. Corrigan and Mr. Martinez were introduced by Senator Bill Nelson.*

**Committee on the Judiciary:** *Committee concluded hearings on S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.*

*Page D 805*

**Committee Meetings for Wednesday, July 24, 2002:**

**Committee on Governmental Affairs:** @ 9:30 a.m. Business meeting to reconsider the Committee's action of 5/22/02, with respect to ordering favorably reported, with amendments S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism; and to consider the nomination of James E. Boasberg, to be an Associate Judge of the Superior Court of the District of Columbia. SD-342.

**Committee on the Judiciary:** @ 2:30 p.m. Subcommittee on Crime and Drugs, to hold hearings to examine corporate responsibility, focusing on criminal sanctions to deter wrong doing. SD-226.

*Page D 810*

**Remark:**

**A True Commitment to Homeland Security.**

*"...However, the Secretary of Defense, in the Administration's supplemental request, asked for authorities that are currently invested in other Cabinet secretaries and in the Congress. The Defense Secretary asked for the authority to spend \$100 million in foreign countries as he sees fit. Congress said no. The Defense Secretary asked for the authority to pay bounties for the death of those he deems to be terrorists. Congress said no. The Defense Secretary asked for the authority to spend \$30 million to indigenous groups around the world who arguably are assisting in the war on terrorism. Congress said no. **The Framers of the Constitution crafted a delicate balance between the legislative, executive, and judicial branches of the Federal Government. These new authorities for the Secretary of Defense would jeopardize that balance.** Congress should not give this Secretary--or any other Secretary--extraordinary authority for the sole purpose of making the Secretary's job easier..."*

Byrd

*Pages S 7218-22*

**HOUSE**

### **Bills Introduced:**

**H.R. 5179.** *A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, and administrative settlement offers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.*

Manzullo

*Page H 5194*

**H.R. 5185.** A bill to remove a restriction on the authority of the Secretary of Agriculture and the Secretary of the Interior to *enter into agreements with any Federal agency* to acquire goods and services directly related to improving or using the wildfire fighting capability of those agencies; to the Committee on Agriculture, and in addition to the Committees on Resources, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Gallegly

*Page H 5194*

**H. Con. Res. 445.** Concurrent resolution expressing the sense of Congress supporting vigorous enforcement of the Federal obscenity laws; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Smith

*Page H 5194*

### **Reports Filed:**

#### **Reports were filed today as follows:**

**H.R. 4547,** to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003, amended (House Report 107-603);

**H.R. 4965,** to prohibit the procedure commonly known as partial-birth abortion (House Report 107-604);

**H. Res. 437,** requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in "National Night Out," including by supporting local efforts and neighborhood watches and by supporting local officials to provide homeland security (House Report 107-606);

**H. Res. 497,** *providing for the consideration of H.R. 4628, to authorize appropriations for fiscal year 2003 for intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (House Report 107-607);*

**H. Res. 498,** providing for consideration of **H.R. 4965**, to prohibit the procedure commonly known as partial-birth abortion (House Report 107-608); and

**H.R. 5005,** *to establish the Department of Homeland Security, amended (House Report 107-609).*

*Pages H 5193, D 806*

### **H.R. 4775. Defense and Homeland Security Supplemental Appropriations Conference Report:**

*The House agreed to the conference report on H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002 by a yea-and-nay vote of 397 yeas to 32 nays, Roll No. 328. The*

*conference report was considered pursuant to the order of the House of July 22, 2002.*

*Page D 806, See next issue*

**H.R. 5120. Treasury and Postal Operations Appropriations:**

*The House completed debate and began considering amendments to H.R. 5120*, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003. Consideration will resume on Wednesday, July 24.

*Page D 806, See next issue*

**Agreed To:**

*Rogers amendment No. 13* printed in the Congressional Record of July 16 that increases funding for the United States Customs Service Salaries and Expenses funding by \$700,000 for six customs agents to inspect Canadian trash coming into Michigan and decreases Internal Revenue Service Processing, Assistance, and Management funding accordingly;

*Page D 806, See next issue*

*Kucinich amendment No. 17* printed in the Congressional Record of July 17 that strikes section 513 which exempted contracts under the Federal Employees Health Benefits Program from the cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act;

*Page D 806, See next issue*

*Flake amendment No. 1* printed in the Congressional Record of July 15 that prohibits the use of any funding to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control regulations) with respect to travel to Cuba (agreed to by a recorded vote of 262 ayes to 167 noes with 1 voting "present," Roll No. 331);

*Pages D 806-7, See next issue*

*Flake amendment No. 20* printed in the Congressional Record of July 18 that prohibits the use of any funding to enforce any restriction on remittances to nationals of Cuba (agreed to by a recorded vote of 251 ayes to 177 noes, Roll No. 332); and

*Page D 807, See next issue*

**Rejected:**

*Goss amendment printed in H. Rept. 107-585* that sought to require the President to certify to Congress that the Government of Cuba does not possess biological weapons, is not developing or providing terrorist states or terrorist organizations the technology to develop biological weapons, and is not providing support or sanctuary to international terrorists before any limitation on funding is applied to the enforcement and administration of travel restrictions to Cuba (rejected by a recorded vote of 182 ayes to 247 noes, Roll No. 330); and

*Page D 807, See next issue*

*Rangel amendment No. 5* printed in the Congressional Record of July 15 that sought to prohibit the use of any funding to implement, administer, or enforce the economic embargo of Cuba (rejected by a recorded vote of 204 ayes to 226 noes, Roll No. 333).

*Page D 807, See next issue*

The House agreed to **H. Res. 488**, the rule that is providing for consideration of the bill on July 18.

*Page D 807*

**Order of Business--Further Consideration of H.R. 5120. Treasury and Postal Operations Appropriations:**

*Agreed that during further consideration of H.R. 5120* in the Committee of the Whole pursuant to **H. Res. 488**, no further amendment to the bill may be offered except: Pro forma amendments offered by the Chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 2, 8, 12, and 18 in the Congressional Record, which shall be

debatable for 5 minutes each; an amendment by Representative Barr of Georgia regarding a national media campaign and an amendment by Representative George Miller of California regarding a Federal Acquisition Regulation, both of which shall be debatable for 20 minutes each; amendment numbered 16 in the Congressional Record, an amendment by Representative Hoyer regarding High Sea Repairs, and the amendment by Representative Hefley, placed at the desk, all of which shall be debatable for 10 minutes each; amendment numbered 21 in the Congressional Record, which shall be debatable for 40 minutes; and an amendment by Representative Sanders regarding taxation of pension plans, which shall be debatable for 30 minutes. Each such amendment may be offered only by the member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

*Page D 807, See next issue*

**Suspension:**

**The House agreed to suspend the rules and pass the following measure:**

**Pipeline Infrastructure Protection: H.R. 3609**, amended, to amend title 49, United States Code, to enhance the security and safety of pipelines (agreed to by a yea-and-nay vote of 423 yeas to 4 nays, Roll No. 334).

*Page D 807, See next issue*

**Suspension Proceedings Postponed:**

**The House completed debate on motions to suspend the rules and pass the following measures.**

**Further proceedings on the motions were postponed:**

**Improving Access to Long-Term Care: H.R. 4946, amended**, to amend the Internal Revenue Code to provide health care incentives related to long-term care; and

*Pages H 5107-14, D 807*

**FY 2003 National Defense Authorization Act for Fiscal Year 2003: H.R. 4537, amended**, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2003.

*Page 807, See next issue*

**Privileged Resolution:**

Representative Sanchez notified the House of her intention to offer a resolution as a question of the privileges of the House and that the text reads as follows: In the matter of James A. Traficant, Jr.; Resolved, that, pursuant to Article 1, Section 5, Clause 2 of the United States Constitution, Representative James A. Traficant, Jr., be, and he hereby is, expelled from the House of Representatives.

*Pages D 807-8, See next issue*

**Discharge Petitions:**

Pursuant to Clause 2 of Rule XV, Representative Carson *moved to discharge the Committee on Rules from the consideration of H. Res. 479, providing for consideration of H.R. 3818*, to protect investors by enhancing regulation of public auditors, improving corporate governance, overhauling corporate disclosure made pursuant to the securities laws (Discharge Petition No. 9) and Representative Phelps *moved to discharge the Committee on Rules from the consideration of H. Res. 480, providing for consideration of H.R. 4098, to provide for criminal prosecution* of persons who alter or destroy evidence in certain Federal

investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers (Discharge Petition No. 10).

*Page D 808, See next issue*

**Late Report Select Committee on Homeland Security:**

*Agreed that the Select Committee on Homeland Security have until 3 a.m. on Wednesday, July 24 to file a report on H.R. 5005, to establish the Department of Homeland Security.*

*Page D 808, See next issue*

**Executive Communications:**

**EC.-8173.** A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Court's report entitled "*A Supplement to the Family Court Transition Plan*" submitted in response to a request; to the Committee on Government Reform.

**EC.-8174.** A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Court's report entitled "*Supplement to the Family Court Transition Plan;*" to the Committee on Government Reform.

*Page H 5192*

**EC.-8188.** *A letter from the President, Federal Bar Association, transmitting the Association's Resolution entitled, "A Resolution urging that certain employees of the Securities and Exchange Commission be removed from the general pay schedule established by Title 5, United States Code;" jointly to the Committees on Financial Services and Government Reform.*

*Page H 5193*

**Memorial:**

**340.** *The SPEAKER presented a memorial of the General Assembly of the State of Delaware, relative to House Resolution No. 70 memorializing the United States Congress to consider impeachment proceedings against the Judges responsible for this decision limiting our public school children's freedom of speech; to the Committee on the Judiciary.*

*Page H 5194*

**Committee Meetings:**

**Committee on Energy and Commerce:** Subcommittee on Health held a hearing titled "*Insurance Coverage of Mental Health Benefits.*"

**Committee on Government Reform:** Subcommittee on National Security, Veterans' Affairs, and International Relations held a hearing on *Homeland Security: Protecting Strategic Ports.*

*Page D 808*

**Committee on the Judiciary:** Ordered reported the following bills: **H.R. 1452**, amended, Family

Reunification Act of 2001; and **H.R. 3995**, Housing Affordability for America Act of 2002. The Committee began markup of **H.R. 4600**, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002.

**Committee on the Judiciary:** *Subcommittee on Courts, the Internet and Intellectual Property held a hearing on H.R. 1203, Ninth Circuit Court of Appeals Reorganization Act of 2001. Testimony was heard from the following Judges of the U.S. Court of Appeals for the Ninth Circuit: Mary M. Schroeder, Chief; Diarmuid F. O'Scannlain and Sidney R. Thomas.*

**Committee on Rules:** Granted, by voice vote, a modified open rule providing 1 hour of debate on **H.R. 4628**, Intelligence Authorization Act for Fiscal Year 2003. The rule waives all points of order against consideration of the bill. The rule provides that it shall be in order to consider as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule provides that no amendment shall be in order except pro-forma amendments for the purpose of debate and those printed in the Congressional Record, which shall only be offered by the Member who caused it to be printed or his designee and shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

**Committee on Rules:** Granted, by voice vote, a closed rule providing 2 hours of debate in the House on H.R. 4965, Partial-Birth Abortion Ban Act of 2002. The rule waives all points of order against consideration of the bill. Finally, the rule provides one motion to recommit with or without instructions.

**Committee on Transportation and Infrastructure:** Subcommittee on Aviation held a hearing on Aviation Security.

*Page D 809*

**Committee Meetings For Wednesday, July 24, 2002:**

**Committee on Government Reform,** @ 10:00 a.m. Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, oversight hearing on "Cyber-terrorism: Is the Nation's Critical Infrastructure Adequately Protected?" 2154 Rayburn.

**Committee on Rules,** @ 4:00 p.m. To consider **H.R. 5005, Homeland Security Act of 2002**, 4 p.m., H-313 Capitol.

**Committee on Transportation and Infrastructure,** @ 11:00 a.m. To consider the following: **GSA Fiscal Year 2003 Capital Investment and Leasing Program; Courthouse Construction Prospectus and Lease Prospectus Resolutions; H.R. 4727, Dam Safety and Security Act of 2002.** 2167 Rayburn.

*Page D 811*

**Remarks:**

Tobacco Smuggling Eradication Act Of 2002.

Doggett

*Pages H 5091-2*

Department Of Homeland Security, Who Needs It?

Paul

*Page H 5094*

**Next SENATE MEETING: Wednesday, 10:00 a.m., July 24, 2002.**  
**Next HOUSE MEETING: Wednesday, 10:00 a.m., July 24, 2002.**

**OLA: S. Schwarz, A. Santos**